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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

17 CR 545 (NRB)

5 MATTHEW SOUCHET,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 January 17, 2018  
3:15 p.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD

12 District Judge

13  
14 APPEARANCES

15 GEOFFREY S. BERMAN

Interim United States Attorney for the  
Southern District of New York

16 ABIGAIL KURLAND

17 Assistant United States Attorney

18 MEGAN W. BENETT

Attorney for Defendant

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(In open court; case called)

MS. KURLAND: Good afternoon, your Honor. Abigail Kurland for the government. I'm here on behalf of my colleague Drew Johnson-Skinner who had a conflict.

MS. BENETT: Good afternoon, your Honor. Megan Bennett on behalf of Matthew Souchet, who is seated to my left. For the record I just wanted to point out that Mr. Souchet's mother, Diane Albert; his cousin, Crystal Santiago; and his friend, Quadell Phils, are in the audience behind us, as well. Thank you.

THE COURT: So I gather that Mr. Souchet is going to enter a plea of guilty to the indictment this afternoon.

MS. BENETT: That's correct, your Honor.

THE COURT: So Mr. Souchet may I ask you to stand for a minute, please.

(Defendant sworn)

THE COURT: Could you tell me your full name, please.

THE DEFENDANT: Matthew Souchet.

THE COURT: How old are you, sir?

THE DEFENDANT: 29.

THE COURT: Why don't you sit down.

Could you tell me the highest grade in school that you completed.

THE DEFENDANT: My GED.

THE COURT: Okay. And are you now or have you

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1 recently been under the care of a doctor or mental health  
2 professional?

3 THE DEFENDANT: No.

4 THE COURT: Have you ever been hospitalized or treated  
5 for alcoholism or narcotics addiction?

6 THE DEFENDANT: No.

7 THE COURT: Are you under the influence of any drug or  
8 alcohol today?

9 THE DEFENDANT: No.

10 THE COURT: And how are you feeling physically today?

11 THE DEFENDANT: I'm fine.

12 THE COURT: And have you had sufficient time to  
13 discuss the charges against you and your plea with your  
14 attorney, Ms. Benett?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: And have you been satisfied with the  
17 advice and counsel that she has given to you?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you ready to enter a plea?

20 THE DEFENDANT: Yes.

21 THE COURT: And what is your plea to the indictment,  
22 guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: So, Mr. Souchet, in order to determine  
25 whether your plea is voluntary and made with a full

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1 understanding of the charges against you and the consequences  
2 of your plea, I will make certain statements to you and I will  
3 ask you certain questions. I need not accept your plea unless  
4 I am satisfied that you are, in fact, guilty and that you fully  
5 understand your rights.

6 Now, the indictment charges you with possessing  
7 ammunition in and affecting commerce after having been  
8 convicted of a felony. This crime carries a maximum possible  
9 term of imprisonment of ten years, a maximum term of supervised  
10 release of three years, a maximum fine of \$250,000, and a  
11 mandatory \$100 special assessment and, if appropriate,  
12 restitution must be ordered.

13 Do you understand that those are the charges against  
14 you and the maximum possible penalties applicable to that  
15 charge?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand that you have the  
18 right to plead not guilty and the right to a trial on the  
19 charges against you and, in fact, the right to a jury trial?

20 THE DEFENDANT: Yes.

21 THE COURT: At this time I'd ask the government,  
22 please, to recite the elements of the crime charged.

23 MS. KURLAND: The government would have to prove the  
24 following elements beyond a reasonable doubt. First, that the  
25 defendant knowingly possessed ammunition; at the time the

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1 defendant possessed the ammunition, he had been convicted of a  
2 crime punishable by imprisonment for a term exceeding one year;  
3 and third, that the possession of ammunition was in or  
4 affecting interstate commerce. The government would also prove  
5 venue in the Southern District of New York was appropriate by a  
6 preponderance of the evidence.

7 THE COURT: Mr. Souchet, do you understand that if you  
8 pled not guilty and went to trial that the burden would be on  
9 the government to prove each and every element of the crime  
10 charged beyond a reasonable doubt?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that at a trial you  
13 would have the right to be represented by an attorney at all  
14 stages of the proceedings and, if necessary, an attorney would  
15 be appointed for you?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand that at a trial you  
18 would have the right to confront and cross-examine witnesses  
19 against you and the right not to be compelled to incriminate  
20 yourself?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you understand that at a trial you  
23 would be presumed innocent until such time, if ever, the  
24 government established your guilt by competent evidence to the  
25 satisfaction of the trier of fact beyond a reasonable doubt?

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1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand that at a trial you  
3 would have the right to testify and would also be entitled to  
4 compulsory process, in other words, the right to call other  
5 witnesses on your behalf?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you understand that if your plea is  
8 accepted that there will be in further trial of any kind so  
9 that by pleading guilty you are waiving your right to a trial?

10 THE DEFENDANT: Yes.

11 THE COURT: And do you understand that if you are  
12 sentenced to a period of supervised release and if you violate  
13 the terms of your supervised release that an additional period  
14 of jail time may be imposed without credit for the time that  
15 you had previously spent on supervised release?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand that in connection  
18 with your plea of guilty that the court may ask you certain  
19 questions about the offense to which you have pled and if you  
20 answer those questions under oath and on the record and in the  
21 presence of your lawyer that your answers, if false, may later  
22 be used against you in a prosecution for perjury or false  
23 statement?

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Souchet, what country are you a

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1 citizen of?

2 THE DEFENDANT: United States.

3 THE COURT: Did you sign a plea agreement earlier  
4 today?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: And before you signed it, did you read it?

7 THE DEFENDANT: Yes, I did.

8 THE COURT: And before you signed it, did you discuss  
9 it with your lawyer?

10 THE DEFENDANT: Yes.

11 THE COURT: Putting the plea agreement to one side,  
12 separate and apart from the plea agreement, have any threats or  
13 promises been made to you to make you plead guilty?

14 THE DEFENDANT: No.

15 THE COURT: Again, separate and apart from the plea  
16 agreement, have any understandings or promises been made to you  
17 concerning the sentence that you will receive?

18 THE DEFENDANT: No.

19 THE COURT: Is your plea voluntary, in other words, of  
20 your own free will?

21 THE DEFENDANT: Yes.

22 THE COURT: I'd like to review some of the portions of  
23 the plea agreement with you.

24 First, you understand that the plea agreement contains  
25 a stipulated guidelines range of from 30 to 37 months with a

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1 fine range of from \$7,500 to \$75,000.

2 THE DEFENDANT: Yes.

3 THE COURT: And do you understand that the parties  
4 have agreed that neither a downward nor an upward departure  
5 from the stipulated guidelines range is appropriate but that  
6 either party may seek a sentence outside of the stipulated  
7 guidelines range?

8 THE DEFENDANT: Yes.

9 MS. BENETT: Just on that point, your Honor, if you  
10 look at page three, this is actually a plea agreement in which  
11 the parties -- the government has agreed not to seek a sentence  
12 outside the guidelines range and so has the defense, which I  
13 discussed with Mr. Souchet.

14 THE COURT: I'm sorry. I did not read it closely.  
15 Just to correct that. Mr. Souchet, do you understand that  
16 neither the government nor you may seek a sentence outside of  
17 the stipulated guidelines range?

18 THE DEFENDANT: Yes.

19 THE COURT: And do you understand that the government  
20 has reserved to it the right to seek a higher guidelines range  
21 if the government concludes that you have not fully accepted  
22 responsibility or if the government learns that you have  
23 committed an obstruction of justice which it doesn't know about  
24 or if you commit another crime after signing this agreement?

25 THE DEFENDANT: Yes.



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1 THE COURT: And do you understand that neither the  
2 probation office nor the court is bound by the guideline  
3 stipulation and that the sentence to be imposed upon you is  
4 determined solely by the court?

5 THE DEFENDANT: Yes.

6 THE COURT: And do you understand that if you receive  
7 a sentence within or below the stipulated guidelines range that  
8 you've agreed not to file an appeal or otherwise challenge your  
9 sentence?

10 THE DEFENDANT: Yes.

11 THE COURT: And are you pleading guilty because you  
12 are, in fact, guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that this plea agreement  
15 does not bind any prosecuting office other than the United  
16 States Attorney's Office for the Southern District of New York?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand that apart from any  
19 possible proffer agreement that you may have entered into, that  
20 this plea agreement takes the place of any prior understanding  
21 that you may have had with the U.S. Attorney's Office and that  
22 this agreement cannot be modified except in a writing signed by  
23 all parties?

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Souchet, did you commit the offense to

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1 which you are entering a plea?

2 THE DEFENDANT: Yes.

3 THE COURT: Could you tell me what you did.

4 THE DEFENDANT: On April 17 I did, in fact, possess  
5 ammunition in the Bronx and knowing that I had a felony before  
6 that.

7 THE COURT: Just make sure -- I was just having a  
8 little trouble hearing you. Did I hear you to say that on  
9 April 17 in the Bronx that you had ammunition in your  
10 possession even though you had previously been convicted of a  
11 felony?

12 THE DEFENDANT: Yes.

13 THE COURT: Ms. Kurland, is there anything else that  
14 you would like me to ask him?

15 MS. KURLAND: No, your Honor. But the government  
16 would proffer that the ammunition was manufactured outside of  
17 New York State and that the felonies of which the defendant  
18 were convicted carried a potential term of imprisonment  
19 exceeding one year.

20 THE COURT: Mr. Souchet, do you still wish to plead  
21 guilty?

22 THE DEFENDANT: Yes.

23 THE COURT: Ms. Bennett, do you know of any reason that  
24 Mr. Souchet should not plead guilty?

25 MS. BENETT: No, your Honor.

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1 THE COURT: All right. Mr. Souchet, the Court is  
2 satisfied that you understand the nature of the charge against  
3 you and the consequences of your plea and that your plea is  
4 made voluntarily and knowingly and that there is a factual  
5 basis for your plea. Accordingly, I will accept your plea of  
6 guilty and direct that a presentence report be prepared.

7 I'm going to propose a sentencing date of May 3 at  
8 3:30 with the defendant's submission, sentencing submission due  
9 on April 19 and the government's due on April 26. Is that  
10 okay?

11 MS. BENETT: Yes. 3:30 you said?

12 THE COURT: 3:30.

13 MS. BENETT: Could we just put on the record that I  
14 would like to be present for the presentence report -- for the  
15 probation department's presentence report and interview?

16 THE COURT: Yes.

17 Is there anything further at this time?

18 MS. BENETT: Nothing from the defense, your Honor.

19 THE COURT: Okay. Thank you.

20 (Adjourned)